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ABSTRACT

Six papers presented at the Institute were concerned with city and county records. They are: "EWEB and Its Records," which discusses the history, laws and records of the Eugene Water and Electric Board (EWEB);" "Police Records: Eugene, Oregon," classifies police records, other than administrative, into three general categories: (1) case or complaint, (2) arrest and (3) personal identification records; "Medical Records of Scared Heart General Hospital," presents background material as well as an overview of the records' processing, storage, and use procedures; "Inventory of Lane County Records: Report on Deeds, Mortgages, and Titles, is divided into three sections; (1) legal and administrative background, (2) inventory and (3) sample forms; "Marriage and Divorce Records," summarizes legal origins of marriage and divorce records in the State of Oregon, and "Brief History and Inventory of Selected Records of the Building and Safety Division, Department of Public Works, City of Eugene Oregon," traces the history, development, and current practices in the generation and keeping of some of these records. (Other papers from this Institute are available as LI 002962 and LI 002964 through LI 002976). (NH)

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[CITY AND COUNTY RECORDS]

Papers prepared for the Institute in Archival Librarianship,
University of Oregon, September 22, 1969-August 14, 1970

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EWEB and Its Records

Judith O. Combs
Librarianship 507
Archives - Mr. Duniway
March 3, 1970

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EWEB and Its Records

I. History

The history of water and electricity in Eugene goes back to 1886 when the city granted a franchise to the Eugene Water Company and one to the Eugene Electric Company in 1887.[1] The special ordinance approved by the Common Council on February 14, 1887, granted the first franchise for a lighting system to H. C. Humphrey, James F. Robinson, William Edris and A. Klein and associates, including F. B, Dunn and J. C. Church. The plant was located at a point near where Seventh Avenue and Ferry Street would intersect if they were extended.[2]

In 1903 ground was broken for a new plant in Springfield, and because the firm was branching out the name was changed from the Eugene Electric Company to the Lane County Electric Company.[3] On August 1, 1905, the electric system, including the power plant at Springfield and a sub-station in Eugene, was sold to the Willamette Valley Company, an Oregon subsidiary of an Eastern syndicate known as Rhodes, Sinkler and Butcher.[4]

On February 10, 1886, the Common Council granted its first water franchise to T. W. Sheldon and Charles Lauer and Associates, including T. G. Hendricks, S. H. Friendly, J. C. Church, S. B. Eakin, and J. F. Robinson.[5] Before that time residents carried their water from the Willamette River and later drew it from wells.[6] The first source of Eugene's water supply was reportedly located at the northeast end of Skinner's Butte on the Willamette River.[7]

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[1]Walton, p.1.

[2]1946 Annual Report, p. 15

[3]Ibid.

[4]Ibid.

[5]Ibid, p. 16.

[6]1960 Annual Report, p.13

[7]1946 Annual Report, p.16

On November 18, 1905, announcement was made of the sale of the Eugene water system to the same syndicate that had purchased the electric system.[8] The following month Rhodes, Sinkler and Butcher took over F. W. Waters' franchise for gas-heat and the light system in the city which had been granted earlier that year.[9]

The fight for municipal ownership of utilities was instigated by the members of the Fire and Water Committee of the City Council who felt that existing service was too expensive and inadequate for the city's needs.[10] In 1904 they were able to get the matter of municipal ownership before the voters. One of the questions submitted to the electorate on April 4th of that year was, "Shall the City Council take steps toward ultimately acquiring for the city its own electric plant and its own water plant?"[11] Questions pertaining to lights and water ownership specifically passed overwhelmingly.[12] With the approval of the voters, the City Council set about securing the necessary changes in the City Charter.

From the efforts of the City Council and Lane County's representative to the Oregon State Legislature the City Charter was amended containing provisions to enable the city to go into the water, gas, and electric light business.[13] On April 11, 1905, the citizens of Eugene approved the charter amendment favoring the establishment of publicly-owned utilities.

The supporters of municipal ownership were hampered by the opposition in their attempt to get a bond issue passed. A break in the deadlock came in January of 1906 when Eugene experienced a typhoid epidemic which was linked to the water supply.[14] It took from that time until April 18, 1908,

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[8] Ibid.

[9] Ibid.

[10] Walton, p.2.

[11] Walton, p.1.

[12] For lights, 892; against, 133
For Water, 910; against, 116

[13] Walton, p.3.

[14] 1946 Annual Report, p.17.

for the city's voters to approve the bonds to acquire the existing property and to construct necessary additions for a water system.[15] On November 18, 1908, the City Council secured the water properties of the Willamette Valley Company.

The city then went about construction of a power plant on the McKenzie River near Walterville which would transmit power to pumps in Eugene near the Willamette River.[16] Early in 1911, the Walter ville power plant was completed. The City Council decided to turn the operation of the utility plants to a water board as had been provided in the Charter Amendment of 1908. An ordinance passed on February 20, 1911, establishing the first water board which officially took charge of the utility operation on March 11, 1911.

There was competition, however, in the early years from the Oregon Power Company, owned by the Eastern group which had purchased the locally-owned water, gas, and electric utilities in 1905.[17] The Board found it necessary to give special rates and to continually reduce rates to secure customers during the early years of service.[18] After much difficulty with the Oregon Power Company the Water Board thought it might be easier to buy it out. The reasons for this action were stated in a letter dated April 28, 1914[19]

1. One consolidated system is capable of more economical operation than two systems.
2. Such an agreement will bring about a more harmonious feeling between the citizens.

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[15]Walton, p.6.

[16]Ibid, p.7.

[17]Ibid, p.12.

[18]Ibid, p.13.

[19]Ibid, p.15.

3. Eugene, by reason of its superb railroad facilities can be made a manufacturing city, provided proper inducements can be made and we believe that a substantial reduction in power rates can be brought about, providing the city has all the electric business in Eugene.

4. Each election, and especially the recent one, sustains the action of the citizens towards the principle of municipal ownership and we believe that a dignified proposition can be made on a basis fair to yourselves as well as the City of Eugene.

The Oregon Power Company refused to sell but offered to negotiate with the Board with a view to acquiring the city properties.[20] The Board did not wish to sell and let it be known to the Oregon Power Company. In 1915 the problem was finally resolved when the Oregon Power Company saw the futility of further competition with the determined Water Board. By early 1916 the competitive struggle was over when the City Council ratified the agreement.[21]

It has not been all smooth sailing for the Eugene Water Board (and later the Eugene Water and Electric Board), but by and large expansion and increased service have far outweighed the problems it has faced. To limit the scope of this paper I will not pursue EWEB's history after these early years.

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[20] Ibid, p.16.

[21] Ibid, p.17.

II. Laws

There are laws governing public utilities on the state and federal levels. In the case of EWEB, there are also city laws prescribed because of its unique status as a municipally-owned utility.

The Revised Eugene City Charter of 1905, Chapter X, Sec. 112, provides that taxes may be levied for outstanding sewer bonds andto provide a sinking fund. It also arranges for the disposal of income derived from "...any water plant owned and operated by the City of Eugene." An amendment to that Charter adopted at a special city election held on April 18, 1908, states:

> The income of such plant and the operation, maintenance, extension and improvement thereof, after said plant shall be so far completed as to be ready for operation, shall be in the hands and control of a commission to be known as the Eugene Water Board, which shall be composed of not less than five free-holders of the City of Eugene, who shall serve without pay, and whose duties, term of office and appointment shall be fixed by the Common Council of the city by ordinance at or before the time when said plant is ready for operation. Said water board shall have entire control of all water funds and the disbursement thereof, and shall so keep the same as at all times to show the true cost of said system, its extension and yearly operation, the amount of outstanding water bonds and current bills, and the disposition of the revenues of said system, and shall make annual reports to the common council, of the same, and such other reports as may be called for by said common council.

Part I, Sec. 152, of the City Code gives EWEB control of the "Butte Property" and reservoir thereon. This measure was passed at the general city election on April 6, 1914. Subsequent amendments make further provisions for the Eugene Water Board's operation.

Eugene City Ordinance #1088 passed by the Common Council on February 20, 1911, provided for the creation and composition of the Eugene Water Board (see Appendix I). Section three of the Ordinance requires that:

> Upon assuming control of the water system it shall be the duty of the board to operate the entire system and make extensions to the same when deemed advisable, and have entire control of all water funds and disbursements thereof andso keep an account of the same as at all times to show the true cost of such system,

its extensions, and yearly operation, the amount of outstanding water bonds and current bills, and the disposition of the revenues of such system, and the board shall make semiannual reports to the council of the same and such other reports as may be called for by the council.

Later ordinances make provisions for countersignature of checks issued upon city funds and gives the Board authority to acquire and operate the electric power system. Ordinance 10276, Sections 1 and 2, states:

> The board is hereby authorized and empowered to exercise in the place and stead of, in the name of and as agent for the city all of the powers of the city with respect to the acquisition, ownership, maintenance, operation and control of the city's electric power and lighting system, including the sale and distribution of energy therefrom conferred upon the city, or the council, or mayor and council thereof by the Charter of the city, including all amendments thereto.
>
> Except as otherwise required by the terms of any bond issue now outstanding, the board shall receive, control, dispose of and account for any income derived from any electric or power plant owned by the city in the same manner as it is required and authorized to receive, control, dispose of and account for income from any water plant operated by it by section 112 of the Charter of the City.

On March 1, 1949, a charter amendment was passed at a special city election changing the name of the Eugene Water Board to the Eugene Water and Electric Board "...retaining and remaining vested with and succeeding to each and all of the powers, authorities and duties of said Eugene Water Board provided by Charter provision or ordinance of said City."

Nowhere in the City Charter or Code is there mention of keeping specific records. It is implicit from Sec. 112 that all records shall be kept which are needed to make annual reports and any other reports which the council may request.

The first mention of water being diverted in the State of Oregon for electrical power appears in the Oregon Laws of 1899. House Bill 362 granted permission to "...use...the water of the lakes and running streams of the state of Oregon for the purpose of developing the mineral resources of the state and to furnish electrical power for all purposes..."

Later laws made more specific provision for ownership of public utilities in general. According to the 1930 Oregon Annotated Code, these laws went back to 1913, although the City of Eugene was granted the right to handle its own utility in 1905 when Eugene's charter was revised. Chapter XXIV, Sec. 56-2401, of the Annotated Code states that:

> Incorporated cities and towns, when the power to do so is conferred by or contained in their charter or act of incorporation, are hereby authorized to build, own, operate and maintain water works, water systems, railways and railroads, electric light and power plants, within and without the boundaries of said corporation, for the benefit and use of the inhabitants thereof, and for profit, and to that end may in connection with their water systems sell and dispose of their water for irrigation and other purposes to people residing without the boundaries of such municipal corporation, and may build, acquire, own and operate railways operated by steam, electric or other power within and without the boundaries of said municipal corporation, and to that end may acquire right of way, easements, real property within and without its boundaries, for any of such purposes. For the purpose of exercising such powers such cities and towns are conferred with the power and quthority to bring actions in the same manner as private corporations are now authorized and permitted to do under the laws of the state. (L. 1913, ch. 283, sec. 1; L. 1915, ch. 105, sec. 1; L. 1919, ch. 265, sec. 1, p. 437; O.L. sec. 3768.)

The Oregon State Revised Statutes have provisions for keeping public utility records which may be subpoenaed by the State Public Utilities Commissioner. Section 756.080 gives the Commissioner power to inspect the records; Sec. 757.115 makes it the utility's duty to furnish information and deliver certain papers to the Commissioner; and Sec. 757.130 reads that the public utility must maintain an office and records in the State. Because EWEB is a municipally-owned utility rather than a public utility district, it must conform to the rules specified by the Federal Power Commission and the Eugene City Council only in the matter of electricity. According to the 1946 Annual Report of EWEB the water division adheres to rules set up by the Oregon Public Utilities Commissioner (p.5).

The regulations of the Federal Power Commission regarding retention/ disposal of public utility records can be found in the Code of Federal Regulations, Title 18, Chapter 1, Part 125, "Preservation of Records of Public Utilities and Licensees." The section is divided into Sec. 1, "Promulgation;" Sec. 2, "General instructions;" and Sec. 3, "Schedule of records and periods of retention." The instructions are very detailed including provisions for official responsibility of records, protection and storage of records, indexing of records, and preservation of records on microfilm. Section 3 lists every type of record which might be kept by public utilities and its retention period (see Appendix II).

The retention schedule for the record groups which I inventoried can be found on pages 436 and 437 of the above cited volume. Under "Revenue Accounting and Collecting" appears "Customers' service application and contracts" (no. 35), "Meter reading sheets and records" (no. 38), and "Customers' ledgers and other records used in lieu thereof" (no. 42). These categories cover the contracts, meter books, and master registers which EWEB uses, respectively.

III. Records

Eugene Water and Electric Board has records dating back to its inception in 1911 starting with the minutes of the first Board meeting, although many of the older records have been destroyed. The Board also has a ledger of George F. Craw, City Treasurer, for 1891-92. In 1892 the City Treasurer started keeping the "Sewer Fund" separate from the "General Fund." This use of the ledger ends in May of 1893. The ledger then skips to the period of 1908-11 when the then fledgling Water Board kept its accounts separated into "Construction Fund," "Current Water Fund," and as of November 1910, "Filter Fund." On January 17, 1911, an "Interest Sinking Fund" was paid to Frank Reisner, Treasurer, to pay part interest on bonds by order of the Council, January 16, 1911. The ledger was audited and closed before the Eugene Water Board took official control in March of 1911.

Eugene Water and Electric Board employs an Administrative Assistant, Mrs. Edie Warner, who is also Secretary to the Chief Engineer and Librarian. Her duties as Librarian, however, encompass only the Engineering Department. Her main concern is with engineering correspondence, documents, and drawings. She has indexed the documents in a 3x5 card file near her desk for easy access. The engineering drawings are duplicated on microfiche. Her records also include maps, pole records, technical subject files, aerial photographs, power plant records (operating summaries, billing data, system load and demands), equipment files, and field notes and index. These are kept in a fire-proof vault on the second floor of the office building. Many of the older correspondence files, reports, maps, and related materials are stored in an outbuilding which is used mainly for equipment storage.

The other main storage area is a fire-proof vault in the basement of the office building. It contains non-current financial records, reports, maps, charts, photographs, meter records, transformer records, employee records, sub-station feeder load charts and maintenance reports, and miscellaneous ledgers. The various departments remove their records to this storage area as they run out of space for their current records. Records are not retired on a regular basis for the most part.

In November of 1964 EWEB started using an IBM 1401 computer for its billing system. Mark sense reading cards took the place of the previously used meter books. On July 1, 1965, they went to a new billing form and automatic cash posting. In 1966 material and supplies were computerized so the the Board has a perpetual inventory. In 1967 payroll and transportation were added to the computerized functions, and in 1968 accounts payable went on the system. In 1969 a responsibility system was innovated and is still in the experimental stage. These various records will now be available on computer print-outs rather than in their previous forms. The computer operation uses the Federal Power Commission's numbering system for coordination with that agency's requirements.

The Board is also hooked up to a General Electric computer in Seattle and Los Angeles on a time-sharing basis for bigger jobs than their small computer can handle.

The particular records that I inventoried are the service contracts, meter books, and master registers of water and electricity users. Before 1958 the service contracts were 8.5x11 forms (none of these forms exist now to give an example). Information on current users was transferred at that time onto the new, smaller form (see attachment to inventory sheet). There is no record of non-current users prior to 1958 because an outgoing

official had them disposed of. The currently used forms are deactivated somewhat regularly every six months.

The contract form or Application for Service is filled out either in person by the applicant or over the telephone by an EWEB employee. The card is a running account of EWEB service performed for a specific individual or corporation. The form includes information on class of service (residential, commercial, etc., by code), address, date service started, date service ended, meter number, credit rating, deposit record, and personal information such as credit references and employment.

The meter books are made up of loose-leaf pages pre-printed for a specific year and are bound and labeled according to year and address blocks. The forms have changed little over the years. The class-of-use codes have changed, but on the rest of the form certain kinds of information have been slightly rearranged. One side of the form records water use and the other, electric use. The meter books exist for 1938 to 1964 when the meter-reading procedure was computerized. Meter readings are now recorded on mark-sensed cards which are disposed of after the print-out is available.

The master registers are computer print-outs of water and electric users which are used in the billing operation. Like the old meter books the master register is arranged by street address (coded in the case of the latter) and is kept current as to the customer requiring EWEB service at that address. The master registers can be re-run at any time to obtain the most current information.

POLICE RECORDS

Eugene, Oregon

I would like to express my gratitude for the time that Capt. Dale Allen of the Records Division took to assist me in this project. Without his help I would not have known where to begin and without his permission I would never have had access to this information.

Patricia Harlan McClure
Archival Seminar
Winter 1970

A records system should provide the history of an organization and its personnel and, to some extent, the history of its clients. Thus, police records are more than merely an accumulation of files; they contain, in retrievable and usable form, the recorded cumulative experience and knowledge of every contributor in regard to many matters of importance to the police and the community. The police department can openly gather useful information, analyze it, and make the results readily accessible to aid in the apprehension of wanted or fugitive persons, the study of the methods by which offenses are committed, the prevention of traffic accidents and congestion, the clearance of crimes, the recovery and return of property to its owner, the rapid identification of an individual in question, or the successful prosecution of criminals.

Police records, other than administrative records, may be divided into three general classifications: (1) case or complaint records; (2) arrest records; and (3) personal identification records. The case or complaint record is the master record, and the arrest and identification records are geared to it. Each is numbered serially; therefore, there are case numbers, arrest numbers, and identification numbers.[1]

In the Eugene Police Department the case number is the primary control number for all police reports; it is issued at the time a complaint or call is received by the department and follows a case through to its completion. The case file records all crimes and other incidents reported to the police on which any police action is taken, no matter how small or seemingly unimportant.

The case reports are filed according to case number and without regard to type of complaint, persons involved, or date of incident. The working files consist of the current case files and those of the past five years. Files prior to 1965 are stored in standard storage files in a room in the Police Department which can be reached from the working area. These records are used infrequently, although some early cases can remain open.

At the Eugene Police Department the current practice is that when any incident calling for police action is reported, essential facts are briefly recorded by a complaint clerk on a 3"x7½" card form, handed to a dispatching clerk who dispatches the officers required, and the known facts at that time typed on a Complaint Log and Case Number Register. This log lists the time, officer, complainant, incident, details and disposition in brief and is where the case number is assigned.

The officer who is dispatched records all information regarding the incident and the results of his investigation on an Officer's Report form. Before the end of his tour of duty on the day of the incident, he submits the forms he has produced, summarizing in a concise manner all of the facts concerning the case and recording on the report the case number which was assigned on the Case Number Register.

This current system was developed through a study by the Public Administration Service[2] based on data gathered in the Eugene Police Department during December 1966 and January 1967 and through more efficient application of past practices.

There are currently records in the files that date from January 1931 through to the present. Records of case files before this time have been searched for but not located.

Officer's Report form

The only form that was being used in 1931 was a very brief Officer's Report form (see Appx. A). This was a 5"x8" sheet with a minimum of information required and a large space for description of the incident, whatever it happened to be. These were used for all reports made by an officer and were usually hand written. In July of 1932 a blank was added for the subject and from this time on there was little change in format and the information required. The officer was expected to supply all the necessary information in his comments. Early in 1967, the form that is used presently was introduced. This form requires more specific pieces of information which may or may not have been included in the description on the previous forms.

The first instance of a case number stamped on a case report occurs on October 2, 1936, case #8048. Prior to this time the case numbers must have been recorded elsewhere, since they were being assigned.

Arrest form

In April of 1945 a supplementry form was added to handle arrests (see Appx. B). This replaced the Officer's Report form on which arrests had been originally reported. It required more specific information about the person arrested although five out of the six pieces of information that were on the Officer's Report form occur on the new arrest form, too.

Arrest numbers are issued to persons physically arrested, booked, and jailed for criminal offenses or traffic violations. A person is issued a new arrest number each time he is arrested, regardless of the charge or circumstances. There was a space for the arrest number on this form from January 1949 through November 1949 but it was dropped after that time. In early 1967, another number was added, the EPD number or identification number. This number is issued if the arrested person is fingerprinted and/or photographed. It is issued but once to an individual, regardless of the number of times he may have been arrested and it appears on fingerprint cards and on the identification board when the person is photographed.

Arrest report records procedures aid in the control of the prisoner and his property and assure a check on his identity and appearance in court.[3]

Complaint forms

Complaint forms first appeared in September of 1945 as a supplementary to the Officer's Report form. (see Appx. C) Complaints were assigned case numbers, and the form required information concerning the details of the complaint and the disposition of the complaint as well as the name of the preson who received the complaint and the signature of the investigating officer. The current practice is for the information to be filled in on a green card at the time the complaint is received. In this way, there is a complaint card for all incoming complaints or requests for police service, whether or not it receives a case number. These are kept for only a short time

before they are destroyed as most of the information contained on them is transferred immediately to more complete report forms.

Traffic Accident reports

Traffic Accident Reports began in November of 1941. These were orange sheets, printed on both sides, requesting a minimum amount of information and a diagram. This was replaced in September of 1946 by a form from the National Safety Council of Chicago which required more specific and detailed information. The current form, adopted in November 1967, is printed by the State of Oregon and requires much specific information also. The basic information on all three of these forms is similar, however. (see Appx. D)

Other forms

Around July of 1958 three forms were introduced: Crime Against Property, Crime Against Person, and Worthless Document Report. This information had all been included previously on Officer's Report forms. They are the same forms that are being used at the present time. These forms are from the State Bureau of Identification and Investigation of the State Police in Salem. and are a result of an attempt by the State to have Uniform Crime Reporting. (see Appx. E)

There are several other report forms which appear in the case files, also. These are all interfiled by case number and there is no way to locate one specific type of form or case all the way through. The only index to these is the Master Name Index which contains the name of every person or firm coming officially to the attention of the police through the Officer's Reports and other forms in the case files. These 3"x5" cards cross reference the

case number, arrest number, EPD number, fingerprint classification, and aliases, and contain a short description of the reason for connection with the case number. This provides an immediate check on the previous record of any person who has been the subject of police inquiry or action. This is a simple alphabetical name index.

Disposition

As all the cases that are handled by the Police Department are interfiled in the case files, there is no way to regulate their disposition. The City Code for Eugene, 1955,[4] lists specific retention periods for forms and information contained in the case files. For example, accident reports need be retained only three years, case reports of noncriminal activities for eight years, and case reports of misdemeanors and complaint reports need to be retained for only ten years. Case reports of felonies need to be retained only twenty years. Since certain records cannot be destroyed, however, the existing files since 1931 would have to be weeded carefully. This would be an expensive and time consuming job.

Key Changes

The key changes in the record keeping practices came in August of 1945 and 1967. In the fall of 1945, the Federal Bureau of Investigation, at the request of the Chief of Police, made a thorough study of the Bureau of Records which, prior to that date, was in a totally unsatisfactory condition. The recommendations resulting from this investigation were adopted almost in total.[5] Asst. Chief W.G. Crase was appointed to set up the Records Division and a numbered filing system.[6]

1967 was the year of the Public Administration Service Report and it was at this time that many of the current forms were begun.

Laws, Ordinances, Codes, etc.

The earliest reference to the police in Eugene City is in Ordinance #7 dated March 11, 1878.[7] This prescribes the duties and regulates the compensation of the City Marshal. He is to take over the duties of street commissioner, included among which is the filling and triming of the street lamps. The City Charter of 1893 expands his duties to "account for and pay over to his successor all books, papers, or property belonging to the city that may come into his hands by virtue of his office as Marshal."[8] Ord. #1216, section 1 dated May 1912, sets up a Police Committee that "shall have charge of the management and discipline of the Police Force of the City of Eugene."[9] Ord. #1991, passed on August 12, 1918, provides for the appointment of Police Officers of the City of Eugene, prescribing their qualifications and duties. This ordinance says that "The City Marshal shall be the superior police officer...and shall direct and control all other police officers, subject, however, to the authority of the Police Committee of the Common Council,"[10] which is provided for in Ord. #1216.

The authority to organize a police force under the state law is ORS 145.010. Reports are confidential under ORS 181.540. There are not many Oregon laws that apply specifically to the keeping of police records.

ORS 181.510 is the basic law on crime reporting. It covers the sending of fingerprints, photographs, and crime reports to

the Central Bureau of Criminal Identification (see ORS 181.065) along with the report containing such other information as may be considered necessary or relevant. This applies only to certain crimes as defined in ORS 181.010: all felonies, any misdemeanor or other offense or violation of a city ordinance, any element of which involves sexual conduct prohibited by law or the use or sale of narcotic drugs (as defined in ORS 474.010) or dangerous drugs (as defined in ORS 475.010).

ORS 181.520 covers court requirements to report on the disposition of certain cases to the bureau and 181.530 concerns the report of release or escape from a state institution of certain inmates who were committed for a crime for which a report is required or under civil commitment as a sexually dangerous person. Information must be given as to the address or locality in which they will reside. ORS 181.540 terms the fingerprints, photographs, records, and reports compiled under the above provisions (ORS 181.510 to 181.530) to be confidential and not accessible for public inspection.

ORS 181.065 provides for the establishment in the Department of State Police a Central Bureau of Criminal Identification which maintains files and indexed records of all materials submitted under the provisions of ORS 181.510 to 181.530, described above. A full report on the establishment of this law can be found in the Report of the Legislative Interim Committee on Criminal Law[11] submitted to the Governor and the 51st legislative assembly in January 1961. This bureau is in effect today and receives copies of reports from the Eugene Police.

The laws on gun control are rather precise as covered in ORS 166.010 and 166.420. The Police Department maintains a record of all hand guns sold in Eugene, both by serial number of the gun sold and the name of the person to whom the gun was sold. This is not a complete file, however, as it doesn't record private transactions.

ORS 483.606 and 483.608 pertain specifically to the reports required for accidents and death resulting from an accident.

Check Sheets

I have examined the information contained on the Officer's Report form, Arrest Report form, and Complaint form and compared these three forms as the information on them changed from their inception to the present. The changes reflect the two major periods of change in the Police Department Records Division. As case records have not been located prior to 1931 it is not possible to determine at this time how records were maintained before this date.

Inventory Sheet

The case files count as only one series as they are numbered and filed consecutively. There have been several changes in the numbering system and in the forms that they contain. Basically, however, they contain the same type of information all the way through the series.

Footnotes

[1]Institute for Training and Municipal Administration, Chicago. Municipal Police Administration (1961) p. 382.

[2]Public Administration Service. Police Records and Communications Eugene, Oregon: a survey report (March 1967).

[3]Wilson, O.W. Police Records: their installation and use New York, McGraw-Hill (1950) p. 230.

[4]Eugene, Oregon. City Code (1955) Art. XIII, Sec. 2.96, Retention of city records; designation of records to be retained; periods of retention. This was adopted by the city council in their meeting on May 14, 1962. It was council bill #5800 and became city ordinance #12651. The original can be found on p. 31 of the City Council Minutes, vol. 21.

[5]Eugene, Oregon. Municipal Report of the years 1945-46.

[6]Eugene, Oregon. Police Department Annual Reports 1967.

[7]Eugene, Ore. Ordinance Book #1 p. 67-68.

[8]Eugene, Oregon. Laws of the City of Eugene including the Amended Charter (Feb. 15, 1893) p. 55

[9]Eugene, Oregon. Record of Ordinances Volume #5. p. 354.

[10]Eugene, Oregon. Ordinance Book #8 p. 63-63.

[11]Oregon. Legislative Interim Committee on Criminal Law. Report (Jan. 1961). This includes "a bill for an act relating to criminal identification and investigation, including the establishment of the Bureau of Criminal Identification" p. 7, 8 and 48, 49.

MEDICAL RECORDS

OF

SACRED HEART GENERAL HOSPITAL

26 February 1970

Carol S. Pratt

INTRODUCTION.

The following report presents general background of Sacred Heart General Hospital as well as an overview of at least a part of the records' processing, storage, and use procedures. It certainly could not be complete and comprehensive, but I think that an understanding of the different aspects has been useful.

The acting medical records librarian of Sacred Heart, Dorothy Wolfe, was most helpful and courteous at all times. Special appreciation is also due those members of the staff who answered questions on everything and anything. That there are inaccuracies in the report seems likely in view of subject, but these are, of course, my errors.

SHORT HISTORY OF MEDICAL RECORDS.

The appearance of medical records can be traced as far back as the cave paintings. Some of these mysterious drawings appear to depict crude forms of surgery and have been dated as early as 25,000 B.C. The Edwin Smith Papyrus, discovered in the 19th century, is an Egyptian document in hieroglyphics, in which some form of clinical surgery is recorded. Moreover, the Temple of Aesculapius dating from the 12th century B.C. includes columns on which are recorded the names of patients and comments on the history and cures of their respective diseases. Hippocrates, living in about 460 B.C., wrote widely and kept detailed patient records. Galen, a well-known Graeco-Roman physician, lived in the second century before Christ and was a teacher. He used detailed records of patients for instructive purposes. The Talmud and the Bible contain some accounts of medical records, and the Mohammadens made extensive use of clinical notes in medical practice. Medical records were a fairly common phenomenon by the beginning of the Renaissance. Early forms of indexing were initiated at St. Bartholomew's Hospital in England.

In the late 18th century at New York Hospital (est.1771) the first register of patients was begun (1793). From 1808 a rather more complete form of patient record was kept, including the diagnosis, age, admission date, occupation, appearance, illness, treatment, together with notes of progress. All quite reminiscent of modern practices, albeit crude in comparison.

It was not until the second decade of the twentieth century

that American hospitals were apprized generally of the need for complete and accurate clinical records. In 1918 the Joint Commission on Accreditation of Hospitals issued a requirement that adequate records be kept of all medical cases treated. These were to be maintained in the hospital in accordance with specific standards. The Commission conducted a survey that year to determine the number of hospitals satisfying the new recommendations; less that 2% of those hospitals surveyed for accreditation were approved on the basis of clinical records practices. By 1963 the figures had risen to 70%.(1)

In 1935 the first medical records librarian program was inaugurated. The American Association of Medical Records Librarians was formed 1928. Following an extensive course of study, the medical records librarian is registered upon completion of a written examination. The coordination of training programs together with the Association of Medical Records Librarians and a growing interest in the accurate and rapid recording of medical data spurred considerable international interest in medical records. There have been several international congresses dealing with the processing and use of these records.

Medical records are essentially a legal document, documenting the course of illness, treatment, and prognosis of each patient in an impartial manner. These documents have special value as research tools, and new retrieval systems have been developed to facilitate the research potential as much as possible.

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1. Edna K. Huffman, Manuel for Medical Records Librarians (1963), p.21-22.

SHORT HISTORY OF MEDICAL RECORDS.

For uniformity several related systems of nomenclature have been developed, of which three are most often used in this country. These afe numerical coding systems. Standard Nomenclature, which is rapidly falling into disuse through obsolescence, is a classification scheme arranged by body organ, system, etc. The International Classification of Diseases (ICD) dates from about 1959. More useful from the hospital point of view is the International Classification of Diseases Adapted for Hospitals (H-ICDA).(2) Although there are other standard systems of classification for diseases and operations, they are not as widely used.

Hospital records are generally considered to be the property of the hospital itself. Oregon has recently proposed to recognize this commonly followed standard. The legal value of these files has several aspects: (3)

Insurance cases
Workman's compensation
Personal injury suits
Malpractice suits
Will cases
Criminal cases

Additional useful applications include proof of birth and/or age or identification under certain circumstances. The value of medical records rises from the generally unbiased nature of the records themselves. Their contents are considered confidential, and information is seldom released from them except by signed release from the patient, by request of a physician,

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2. The 1962 edition (2 volumes) of the Internation Classification of Diseases, Adapted for Indexing of Hospital Records and Operation Classification is in the U.S. Public Health Service publications series, no.719.

3. Huffman, Op.Cit., p.420-421.

or by request of the court.

In 1939 the U.S. Supreme Court recognized the admissability of microfilming as a form of primary record (U.S. vs Manton, 1939; U.S. Code Annot., Sec. 1732 (Supp.1958)). Photographic copies made in the course of business are legally valid and microphotography is included in this definition.

In 1956 the Professional Activity Survey (PAS) was begun by a group of physicians in Ann Arbor, Michigan, under the Commission on Professional and Hospital Activities. As an indexing service PAS has revolutionized the treatment of medical records and has broadened their applications considerably. Examples of the abstracting forms are included in the supplementary material following this paper.

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LEGAL HISTORY OF HOSPITAL RECORDS, OREGON.

The following is a chronological list of state legislation of direct consequence to the record-keeping practices of hospitals and similar institutions. Both statute and administrative rules, as established by the State Board of Health in Oregon, must be considered, but for simplicity these are presented in separate sections.

In 1903 an enabling act was passed establishing the Oregon State Board of Health, and in 1913 the legislature provided for inspection and certification of hospitals and sanitoria. Specific requirements for hospital records were enacted in 1915, and these remained the primary means of regulation until 1947, when the State Board of Health was apparently reorganized and the laws

governing public and private hospitals were rewritten. From that point the State Board itself issued rules for medical record-keeping, revising and amplifying them as needed.

1. Oregon Laws, 1903, p.82-83.

Sec.1,4: Herewith was established the State Board of Health with seven members, all physicians, six of these to be appointed by the governor from around the state, and one member to be a secretary elected by the initial six.

Sec.2: The State Board of Health was to have general supervision over matters of health, viz. to keep vital statistics, to make and enforce quarantine, and to make inquiries respecting diseases and epidemics in both men and domestic and wild animals.

2. Oregon Laws, 1913, chap.276.

Sec.1-4: "To provide for the visitation and inspection by the State Board of Health of all hospitals, sanatoriums, and poor farms, whether public or private, incorporated or unincorporated...To empower the State Board of Health to prescribe rules and regulations for the conduct and management of all such institutions and to issue certificates of license thereto; to provide for the publication of annual and other reports by such institutions and to prescribe a penalty for refusal or neglect to comply with the provisions of this act." (4)

3. Oregon Laws, 1915, chap.268.

Sec.16: "That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement or are committed by process of law, are hereby required to make a record of all the personal and statistical particulars relative to the inmates in their institutions, at the date of approval of this act, that are required in the form for the certificate provided for by this act, as directed by the State Registrar; and therefore such record shall be by them made for all future inmates at the time of their admission. And in case of patients admitted or committed for medical treatment of contagious disease, the physician in charge shall specify, for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and

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4. Quoted from the annotation preceding the text of the enactment.

and information required by this section shall be obtained from the individual himself, if it is practicable to do so; and when they can not be so obtained, they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts." (5)

4. Oregon Laws, 1919, chap.264.

Sec.81: Placed all "hospitals, sanitoria and poor farms, whether public or private" under the jurisdiction of the State Board.

Sec.82: Assigned the duty of prescribing of rules and regulations for the "management and conduct of all institutions" named in sec.81.

Sec.83: Required annual reports from hospitals, etc. to be submitted to the State Board of Health as required by the Board.

Sec.84: Certification of hospitals; upon completion and filing of a report with the State Board, the Board may issue a certificate to the institution permitting it to operate. If certification is revoked, the institution must cease operation at once until a new license or certificate is granted.

5. Oregon Compiled Laws, Annotated, 1940,v.6.

99-534: Inspection shall be made "from time to time" and rules and regulations are to be prescribed by the State Board of Health. (cf.Laws, 1939, chap.494, sec.3)

99-535: Local health officer or board representative to have free, unrestricted access to licensed institutions, viz. hospitals, etc. (cf.Laws, 1939, chap.494, sec.4)

99-341: All hospitals, public or private, incorporated or not, are subject to inspection by the State Board, and the board is empowered to prescribe rules and regulations for the conduct and management of these institutions. (cf.Laws, 1913, chap.276, sec.1-4; Laws, 1919, chap.364, sec.81-84.) (6)

6. Oregon Laws, 1947, chap.488.

Sec.3: Licensing requirement (effective July 1, 1947) for hospitals in Oregon; essentially unchanged.

Sec.7: The State Board of Health shall adopt, amend, promulgate,

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5. Reprinted in Oregon State Board of Health, Statutes of Oregon relating to public health and rules and regulations of the Oregon State Board of Health (Salem, 1918) p.13.

6. Laws 99-534, 99-535, 99-341 were repealed by an act, 1947, chap.488, sec.19.

enforce rules, regulations, and standards for different types of hospitals.

7. Oregon Revised Statutes, v.3.

441.015: Licensing of hospitals required, as of July 1, 1947.

441.020: Licenses are obtained from the Board of Health, and applications for the license are on particular forms supplied by the board.

441.055: Rules, regulations and standards; evidence of compliance. The State Board of Health (with the aid of an advisory council of nine state residents) will "adopt, promulgate and enforce such rules, regulations and standards with respect to the different types of hospitals and related institutions to be licensed as may be designated to further the accomplishment of the purposes of ORS 441.005-ORS 441.080."

(In 1965 the following section was added to 441.055 by amendment)

"Standards of hospital care shall include but not be limited to standards of adequate professional staff organizations, suitable delineation of professional privileges and adequate staff analyses of clinical records. The board in its discretion may accept certificates by the Joint Committee on Accreditation of Hospitals, the Committee on Hospitals of the American Osteopathic Association or Oregon Hospital Medical Council as evidence of compliance with acceptable standards."

Moreover, in 1965 the annual inspection requirement of ORS 441.060 was dropped except at the discretion of the Board. The substitution of accreditation certificates suffices to show compliance with board regulations.

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RULES AND REGULATIONS OF THE STATE BOARD OF HEALTH.

Pursuant to the Session Laws of 1913, the State Board of Health adopted rules and regulations for the management of all poor houses and hospitals. According to the 1913 Annual Report of the Board, p.5, these rules were indeed distributed, but a copy could not be located in the University of Oregon Library. It seems likely to me that the rules were similar to those

issued in 1918, which govern the administration of institutions, care of patients, and health measures. The specific regulation governing records of hospitals seems to be the statute enacted in 1915, which is discussed on p.5 of this report.

In accordance with the law enacted in 1913, the secretary of the Board, who was also the State Health Officer, Dr. Calvin S. White, visited all poor farms in the state at least once each year and visited also all institutions receiving state aid once each quarter. Certifications were granted whereever the institutions were able to meet Board requirements.(7)

Although an early County Board of Health was recognized to exist in 1907 (8), which sent vital statistics and reports of communicable diseases to the State Board, a full time health department began in Lane County in 1930 on February 1st. (9) It was funded in part through the State Board and through the Rockefeller Foundation by means of the U.S. Public Health Service.

Rules and regulations of the Board for 1905 required the reporting of any communicable disease by physician or by hospital. Similarly deaths and births were to be reported to the Board. No specific rule regarding the records which a hospital must keep seems to be included. (cf. Oregon Laws, 1905, chap.170, sec.5)

There seems to be no evidence that the State Board of Health issued a specific set of rules to govern or regulate hospital

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7. Oregon State Board of Health, Biennial Report, 1915, p.8.
8. ----- -----, Monthly Bulletin, Dec.1907, v.1, no.12, p.5.
9. ----- -----, Biennial Report, 1931, p.71.

records. However, following the enactment of Oregon Law, 1947, chap. 448, the State Board issued A pamphlet entitled Rules, Regulations and Standards for Hospitals and Related Institutions in the State of Oregon (Salem, 1947). This was followed in 1952 by a revised edition. Chapter five of this booklet deals with reports and records of hospitals and similar institutions:

> 1. Adequate permanent records of each patient, either typewritten or legibly written with pen and ink, from which the name, address, age, sex, nationality, marital status, name and address of closest relatives, date of admission, and date of discharge or death, can be quickly obtained, shall by kept, and these records shall be available for inspection by a duly authorized representative of the Oregon State Board of Health at all reasonable times.
>
> 2. Accurate and complete treatment records shall be kept for all patients; these shall be filed in a readily accessible manner in the hospital, and they shall be available for inspection by a duly authorized representative of the Oregon State Board of Health at all reasonable times. All treatment records shall contain the written orders by the attending physician for medication and other services, and the order for discharge must be written in ink and signed by the attending physician or countersigned by him within 24 hours.
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> 3. Records of newborn infants shall contain a signed report by the attending physician on the physical condition of the infant immediately before the infant is discharged.
>
> 4. (Reporting of communicable disease)
>
> 5. Provision shall be made for the safe storage of all records required by these regulations. They shall be filed and indexed according to approved methods.
>
> 6. All original records, or photographs of such records, that are no longer in use shall be stored in the hospital, and none shall be disposed of except with the written approval of the Oregon State Board of Health.

There are no significant differences between this chapter in the 1947 and the 1952 editions. By 1962, however, some changes had been made and specific clinical treatment records were required. An important revision occurred in 196[illegible], when a retention schedule

was added. It is still in effect. The following rules are taken from the 1969 administrative rules, chapter 333, sec.23-190; reports and records:

1. Permanent records shall be kept of each patient, either typewritten or legibly written with pen and ink, from which the name, address, age, sex, marital status, name and address of closest relatives, date of admission, and date of discharge or death can be quickly obtained; and these records shall be available for inspection by a duly authorized representative representative of the Board at all reasonable times.

2. A medical record system shall be maintained to show the reason for admission and the amitting and final diagnoses; the physical condition of the patient; and the type and result of treatment received by the patient. The records shall be filed in a readily accessible manner in the hospital, and shall be available for inspection by a duly authorized representative of the Board at all reasonable times. All treatment records shall contain the written orders by the attending physician for medication and other services, and the order for discharge written in ink and signed by the attending physician or counter-signed by him. The medical record shall be ompleted within a reasonable time.

3. Records of newborn infants shall contain a signed report by the attending physician on the physical condition of the infant immediately before the infant is discharged.

4. The administrator,or person in charge, shall report each case of communicable disease immediately upon the diagnosis of the disease to the local health officer, within whose jurisdiction such case is located, on a form provided for that purpose by the Board.

5. Provision shall be made for the safe storage of all records required by these rules. They shall be filed and indexed according to approved methods.

6. All medical records, nurse's notes, and X-rays which are no longer in use shall be stored in the hospital and not disposed of except with the written permission of the Board. The following records shall be maintained as indicated, for General, Intermediate General and Special Hospitals:

TEMPORARY MEDICAL RECORDS:	MINIMUM RETENTION PERIOD:
1) Case records or charts (either original or microfilm)	25 years from date of last discharge.

(Note: Original files may be replaced with microfilm copies with the approval of the State Board of Health. If filmed, the original case records shall be held two years beyond

the last date of discharge)	
Exceptions for which microfilming is not recommended:	
Cases ending in death unless kept for research purposes	5 years
Nurses notes	5 years
2) X-ray reports on out-patients, if filed separately from case records	25 years, or 2 years if microfilmed, or 5 years after death.
3) X-rays	7 years, except: Most recent positive chest films which show pathology for living individuals, and examples as long as they are retained for teaching purposes
4) Electrocardiograms	5 years
5) Out-patient sheets or cards	7 years
6) Out-patient family files, except for admission documents and agreements preserved under permanent records program	5 years
7) Laboratory copy of reports (Original should be filed in case files)	1 year
8) Daily hospital census or statistical reports	2 mos., if cumulated in monthly report or ledger
9) Monthly hospital census or statistical reports or ledger	1 year, if cumulated in annual report or ledger
10) Nursing records from floors and wards, such as bed books, and records of daily events and responsibilities, used basically to guide work	2 mos., if posted to medical case records; 5 years if supplementary to medical records
11) Copies of birth and death certificates forwarded to the State Board of Health and any record of births and deaths	7 years
12) Narcotics sheets or record of distribution of drugs	2 years

If any hospital desires to microfilm any of these records and

then destroy the original records prior to limitations stipulated, the written permission shall be obtained from the Board (ORS 441.055).

The section of the administrative rules reproduced above is or was undergoing further amendment, but I still have not been able to ascertain without doubt that the changes are being made. The proposed amendment requires a large number of specific types of records be maintained in medical case files. According to the Administrative Rules Bulletin, v.9, no.11 (Dec.11, 1969), the amendment would regulate reports of the following types: surgical patients; obstetrical patients; new-born infants; emergency, outpatient, clinical records; responsibility for completion of medical records; use of standard terminology; property rights in and inspection of medical records; minimum retention periods and microfilming; record retention on dissolution of hospital, and retention of records not otherwise incorporated into medical records. If accepted, these proposed changes will extend state control more completely than at any previous time. For the purposes ofSacred Heart General Hospital, nearly all the proposals are already in effect, however.

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SHORT HISTORY CF SACRED HEART GENERAL HOSPITAL.

The history of Sacred Heart begins in 1924, when Pacific Christian Hospital was established by the Christian Church, a Congregational body, at 12th and Hilyard in Eugene. There were predecessors, however, which are closely associated with the present hospital. In 1898 Eugene Hospital was established and was the first true hospital in the city. Doctors William

SHORT HISTORY OF SACRED HEART GENERAL HOSPITAL.

Kuykendall and DeWitt Paine owned and operated the hospital until after 1906. Sometime between 1906 and 1911, Dr. Paine left the partnership, and Dr. Kuykendall administered the institution alone until about 1912, when he was joined by Dr. Eberle Kuykendall. During these years Eugene Hospital was located at 769 Willamette.

In 1907 a new hospital was built outside the "noise and dirt of the city" on what is known as College Hill. Called both the General Hospital and Eugene General Hospital, the building was located west of Willamette near 20th avenue. The board of directors included several names familiar in Eugene history: S.H. Friendly, Dr. J.W. Harris, L. E. Bean, Dr. G.S. Beardsley, Alton Hamilton, Dr. F.W. Prentice, and Dr. C.W. Southworth. The General Hospital was sold to the Catholic Sisters of Mercy in 1912, and its name was changed to Mercy Hospital. On May 1, 1912 the facilities were opened under the new administration, and on September 22, both hospital and new chapel were dedicated. Within two years Mercy Hospital had opened a nurses training school, which continued until the hospital was sold in 1928.

The Eugene Hospital, still located at 769 Willamette, also operated a nurses training school from about 1911 until after 1914. It was resurrected briefly during the early 1930's. By 1914 the Eugene Hospital had moved to 1245 Willamette, and around 1925 they moved again to 1162 Willamette, the present location. The name of the hospital changed at about this time to the Eugene Hospital and Clinic, and more than half a dozen doctors were associated with it.

By 1928 the press of financial problems forced the sale of Mercy Hospital to Pacific Christian, then only four years old.

SHORT HISTORY OF SACRED HEART GENERAL HOSPITAL.

The old building on College Hill was maintained for a year or so as an annex to the main hospital at 12th and Hilyard. Pacific Christian was itself in troubled waters by 1931, and when the bondholder, the International Bible Mission foreclosed, the hospital went into receivership.

A group of doctors assumed the administration of the hospital, taking the name Pacific Hospital, Inc., about 1933. It was apparently a difficult venture, however, for in 1936 the Sisters of St. Joseph of Newark were invited to assume control, whereupon the order bought it. That year the hospital became known as Sacred Heart General Hospital.

From 1936 until about 1964 Sister Theodore Marie was head administrator of Sacred Heart. She was followed by Sister M. Bernardine, and about 1967 by Sister M. Frederick, who is the present administrator. Sister Frederick is assisted by a Board of administrators, including an associate administrator and a controller.

Although Sacred Heart owns some records of Pacific Christian Hospital, these are limited primarily to Birth and Operations Registers. An incomplete run of clinical files from Pacific Christian and Pacific Hospital is included in the microfilmed medical records in the Records Library. The Registers begin with 1924, and the Medical records begin about 1932. There does not seem to be anything connected with Mercy Hospital in these very early documents.

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MEDICAL RECORDS OF SACRED HEART GENERAL HOSPITAL.

A patient's medical record file begins at the admissions desk. The individual is assigned a number in the order of admission, and this number is given to his record file. The record stays under this number until the patient is readmitted, and a new one assigned to him. An old file is usually sent from the records library to the patient's floor, for use by his physician. All medical records, old and new, are refiled under the newest admission number, after the patient has left the hospital

A "house file" is maintained in the records library itself as a ready reference index to those medical files which have been removed. Each inpatient has a 3x5 card in the "house file", which is either made up from the admissions list,if the patient has not previously been in Sacred Heart, or withdrawn from the "master file", which is the primary index to patient records. All persons who have been patients at the hospital have a card in the master file. Each card includes general personal information and is the primary reference source for the number under which the patient's records are filed. When the patient leaves the hospital, the card is removed from the "house file" and returned to the master file.

Medical records are received in the library soon after the patient is discharged, usually within a day. The several types of documents are arranged in a specific and pre-determined order by a clerk.(10). It is her responsibility to check for missing records before the file is sent on. Incomplete files are arranged

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10. A sample case file is included with this report and is filed immediately after the reprints of summary sheets and laboratory reports.

by physician and are stored in large drawers near the main library workroom until the necessary items are received. The file is then fully assembled in its final and permanent order and stapled. There are serious penalties incumbent upon the physician who consistantly fails to complete his patients' records within a reasonable time, although I do not know whether the hospital has had occasion to enforce sanctions.

The American Cancer Society partially subsidizes a special study of the history of cancer patients. Files and indexes of these patients are carefully maintained and updated whenever possible. The earliest tumor or cancer index coincides roughly with the beginning of the American Cancer Society's survey of links between certain substances and cancer, which dates from about 1952.(11) The oldest separate cancer index exists on 5x8 cards, beginning in 1950. It is stored in the basement records room, directly beneath the library. A useful indicator--a short piece of green tape--marks the folders holding the records of each cancer patient. Although the Tumor and cancer section appears to be fairly complex, no examination was made of these records. The technician was at the time involved in a survey for the American Cancer Society and was just completing the work.

In July 1963 Sacred Heart joined the Professional Activity Survey, which was begun about 1956 by the Commission on Professional and Hospital Activities. Currently, one accredited

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11. Tyrus Hillway, Introduction to research (Boston, 1964) p.188.

records technician and one clerk abstract the clinical records on special "case abstract" forms. (12) The 1969 edition of H-ICDA, the International Classification Adapted for Hospitals, is in use, a two-volume set including index and coding schedule. Each month the approximately 2000 files of patients discharged during the preceding month are abstracted, and these coded abstracts are sent to the computer center in Ann Arbor, Michigan. Within a week or so the indexes for the whole month are received. The data is stored permanently in the computer and the monthly indexes are cumulated at six-month intervals. The case abstract forms are occasionally revised, and different kinds of information are included, so that the form is gradually becoming more complex. The computer print-out has superseded the older form of card index, which was maintained for many years in accordance with rules governing hospital certification. The following are required for certification: Disease index, operation index, physicians index, and, I believe, the tumor index. Although these are to be kept permanently, the older card indexes at Sacred Heart are not complete, parts of them having been lost or perhaps destroyed. The PAS system offers a certain degree of protection for the hospital, since reprints can be obtained. A measure of control over records integrity is maintained by both the rather careful checking which they undergo before being filed and by the complexity of the abstracting itself.

Monthly indexes and statistical reports from PAS include

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12. Copies of the 1969 and 1970 Case abstracts are included at the end of this report. The pathological report is coded by the pathologist in each case, instead of the doctor or the PAS technician. This is done to ensure proper evaluation of the pathological data.

the following: (13)

1. Discharge Analysis A (Administrative data) and B (medical data.
2. Patient list, arranged by final diagnosis.
3. Patient list, arranged by first operation.
4. Death list, A (administrative) and B (medical).

At six-month intervals the following are issued in addition to semi-annual cumulations of the different analyses list above:

1. Discharge analysis (including general tota ls with breakdown by age groups, deaths, payment method, etc., including also averages for administrative comparison)
2. Age-stay analysis-diagnostic group summary. (number of patients per age groups, etc.)
3. Age-stay analysis-diagnosis summary. (Number of patients per age-group and stay by diagnosis)
4. Age-Stay analysis-Operation group group summary.
5. Age-Stay Analysis-Operation summary.

These indexes are stored in the PAS section for handy reference by the personnel trained in their use. A semi-annual list of patients and treatment arranged by doctor is kept in vertical files in large drawers located in the librarian's office, although used most often by the PAS technician. When more space is available, these issues will be kept with the others. The physician's index is issued in three parts--arranged by patient, by disease, and by operation. The physician himself also receives a copy of his particular part of the index.

The PAS system of abstracting permits an extensive use of medical records for research which is not otherwise possible. The technician in charge of this section, Mrs. Thelma Weltly, drew about 15 surveys for physicians during the month of December 1969. These studies may cover as much time as 15 years, or as

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13. Edna K. Huffman, Manual for Medical Records Librarians (1963), p.406. Also Mrs. Thelma Weltly, PAS technician.

little as 2 or 3 years. The PAS indexes are most useful for this purpose, but for very long time periods, the older card indexes must be used. These are coded by the older system, standard nomenclature.

In addition to expanded in-hospital research, the PAS system permits national or regional surveys of comparative statistics. Reports of these surveys are received in the hospital from time to time without additonal charge. The surveys cover a wide variety of topics, ranging from the changes in average hospital stay for medicare patients against non-medicare patients to a survey of the specific treatment or tests given to particular kinds of patients. The hospital itself can also request regional or national surveys for comparative purposes, although there is a charge for this service.

Before the hospital subscribed to PAS, the records were indexed on 5x8 cards. Only a small mount of information could be recorded. The PAS system costs about 40¢ per case abstract, a cost which seems exceedingly low for the plethora of information which obtains from the service. The card system itself was not inexpensive, and does not admit the extensive surveys for research that are a valuable feature of the computerized system, not does it permit comparative data based on national statistics from other hospitals.

After records are abstracted, the files are shelved together to wait review by a committee of physicians, usually two in number. At each stage in the processing of medical records, personnel check for errors, for incompletions, for irregularities. The

final review scrutinizes each file for proper diagnosis, treatment, etc. Errors or mistakes in judgment are called to the attention of the physician in attendance. Following this final review the folders are filed in open shelves in the library. Some select case files might be withheld for discussion at a bi-monthly meeting of doctors--a kind of seminar intended to criticize and review techniques, methods, etc.

About three months of records can be kept in the library itself. The remainder, dating to the beginning of 1967 (including one stray case file left behind when the 1966 records were filmed) are stored in a locked room in the basement, one floor below the library. All shelving is open, and filing is numerically ordered. Since Sacred Heart combines older files with the latest records, using the serial-unit system of numbering, (14) all previous records are taken from their chronological position and advanced to the most recent number for the respective patient. When any record file is moved in this way, the old folder is marked with a reference to the new number and left in place. In this manner the system is cross-referenced. Similarly, the latest admission number is recorded on the patient's card in the master file. When a file is microfilmed, all of these records appear in one strip of film, a handier arrangement when the film is kept on reels, instead of cut into strips and stored in acetate sheets made for this purpose.

Since the State Board of Health permits microfilming of medical records after two years, Sacred Heart has followed a program of filming all clinical records after three years, essen-

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14. Huffman, chap.6.

tially for reasons of space. Recently, however, recommendations from a committee of physicians ro the hospital administration suggested that paper records be maintained for a minimum of 5 years. This new schedule is to be adopted, but the library will very soon require a considerable increase in shelving space. All microfilm is stored in reel form and is kept on the first floor a few steps from the library itself, in a small room equipped with a microfilm reader-printer. Two metal cabinets hold all inpatient and Emergency Room records, since 1932. Microfilming is done in Portland, but has been done by firms around the United States in the past.

There are, actually, at least three separate systems of numbering to be found in the medical files. Pacific Christian used a combination of letters and numbers, e.g. K-1, K-2, etc. Sacred Heart used a serial-unit system until 1949, when a new numbering system (I believe, the unit system) was begun. It became unwieldy very soon thereafter, however, and the hospital returned to the old system. The increasing use of computers is going to require another change before many more years, and suggested alternatives include the social security number, which would also facilitate a nation-wide data bank of medical information. Such a bank would provide nearly immediate access to important clinical data about almost any individual. The utility of a monster-bank is obvious from a medical point-of-view and would tend to balance the corresponding loss of confidentiality that has been consistantly maintained in medical records.

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5. Oregon Laws, 1903, 1913, 1915, 1919, 1947; Oregon Compiled Laws, Annotated, 1940, v.6; Oregon Revised Statutes, including 1965 replacement parts, v.3, chapter 441.

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11. Oregon. State Board of Health. Oregon laws: Public Health, and rules and regulations of the Oregon State Board of Health, 1905, 1918.

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15. Eugene-Springfield Metropolitan Directory, 1962-1968. Eugene, Johnson Publishing Company.

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INVENTORY OF LANE COUNTY RECORDS:

REPORT ON

DEEDS, MORTGAGES AND TITLES.

by

JAY W. REA

FEBRUARY 26,1970

ARCHIVES SEMINAR

MR. DUNIWAY

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INVENTORY OF LANE COUNTY RECORDS:

REPORT ON DEEDS, MORTGAGES AND TITLES.

Section 1: Legal and Administrative Background.

The office of territorial recorder was created in 1841.[1] The office was written into the organic law in Article 8 of the "Report of the Legislative Committee, upon Judiciary." approved on July 5, 1843.

> There shall be a recorder elected by the qualified electors, at the annual election, who shall keep a faithful record of the proceedings in the legislative committee, supreme and probate courts; also record all boundaries of land presented for that purpose; and all marks and brands used for marking live stock: procure and keep the standard weights and measures by law, seal weights and measures, and keep a record of the same;[2] and also record wills and deeds, and be recorded.

Article 19 of the same document specifies that the Iowa Law is to be adopted in specifying the duties of the Recorder.[3]

Also approved on July 5, 1843 was a "Law of Land Claims" which required all persons making claims to record "the extent and boundaries of such claims recorded in the office of the territorial recorder, in a book to be kept by him for that purpose."[4]

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[1] Laws of a General and Local Nature Passed by the Legislative Committee and Legislative Assembly, 1843-1849. (Salem, Oregon: Asahel Bush, Territorial Publisher, 1853), p. 5 Hereafter citied as Oregon Archives.

[2] Oregon Archives, p. 30

[3] Oregon Archives, p. 32

[4] Oregon Archives, p. 35

"An Act Concerning mortgages" was also approved on the same date. It required the mortgage to be recorded in the county where the land lay. Petitions for foreclosure, orders, orders of court findings, special writs for sheriff's order of sale, and certificated of redemption were all required to be filed with the recorder.[5]

The office of territorial recorder was continued down to 1849 when these duties were delegated to the office of the county clerk.[6] This same act required the clerk to "record all plots of towns and cities, and all plots and field notes of private claims."

The Basic record series generated under these early laws would appear to be as follows: a book of record for land claims and boundary descriptions, a book of record for mortgages, and a book of plots and field notes on claims. Other series related to mortgages would be petitions for foreclosure, court orders, writs for sherriff's order of sale, and certificates. of redemption.

From 1850 to 1859 the donation land claims were recorded by the Federal Surveyor General for the Oregon Territory. The Surveyor General was first appointed in 1850 and established a base line for surveys at the mouth of the Willamette River. In 1885 each county secured from the Surveyor General's office, a certified copy of his field notes and plots of surveys of townships and the legal subdivisions

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[5] Oregon Archives, Laws of 1843-49, p. 174-5

[6] Oregon Archives, Laws of 1843-47, p. 66

of the county. The first title of record was the United States patent issued to homesteaders or original settlers. This title was to be entered in a "Book of deeds" or a special book of patents.[7]

The Constitution of 1859 extablished the county clerk as the recorder of conveyances: " a county clerk shall be elected in each county for the term of two years, who shall keep all the public records, books and papers of the county, record conveyances, and perform the duties of the clerk of the circuit and county courts, and such other duties as may be prescribed by law."[8] This same section also provided for the separate election of a recorder of conveyances when the number of voters in any county should exceed twelve hundred. To all intents and purposes however the county clerk has continued in Oregon to function as the recorder of conveyances - with the exception of the counties of Marion, Linn and Umatilla. The recorder was to keep a record of deeds and mortgages, maps, plats, powers of attorney, and contracts affecting title to real property.[9]

The general power and duties of county clerks and recorders of conveyances are set out in Chapter 205 of the Oregon Revised Statutes. The duties of the recorder of conveyances are as follows:

> The recorder of conveyances shall: (1) Have the custody of, and safely keep and preserve all files and records of deeds and mortgages or real property, and all maps, plats, contracts and powers of attorney affecting the title to real property.

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[7] Oregon Historical Records Survey, Inventory of County Archives of Oregon, No. 34, Washington County, Hillsboro (Portland, Oregon: November 1940), p. 44-47

[8] Const. Art VII, Sec. 15

[9] Sec. 27-1906 O.C.

(2) Record, or cause to be recorded, in a legible and permanent manner, in suitable books to be provided by the county and kept in his office, all

(a) Deeds and mortgages of real property, powers of of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved;

(b) Certificates of sale of real property under execution or order of court, or assignments thereof or of any interest therein when properly acknowledged or proved;

(c) Original or certified copies of death certificates of any person appearing in the county records as owning or having a claim or interest in land in the county; and

(d) Affidavits concerning any person owning or appearing to have an interest in any land in the county, or concerning his interest therein.

(3) Perform all the duties in regard to the filing, recording and indexing of deeds and mortgages of real property, contracts and powers of attorney affecting the title of real property, and in regard to the entry of satisfaction and discharge of the same, together with other documents authorized by law to be recorded.[10]

The recorder must also prepare and maintain general indexes, direct and indirect, of the major series of Books of Deeds and Books of Mortgages. These indexes are to indicate the time of reception, the names of grantors and grantees, the nature of the instrument, the volume and page where recorded, any remarks, and a brief description of the tract. The direct index is arranged alphabetically by name of grantor. The indirect index is arranges alphabetically by grantee.[11]

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[10] ORS 205.130

[11] ORS 205.190

The recorder is also required to maintain "receiving books" in which all instruments required by law to be recorded are entered in order of their time of reception.[12] A fourth major record series required by the current law is the "Book of Plats".[13]

Chapter 93 of the Oregon Revised Statutes, "Conveyancing and Recording," amplifies the provisions of Chapter 205. Seperate books must be kept for recording deeds and mortgages.[14] The index of records must contain alphabetically the name of every party to each instrument recorded.[15] Power of attorney may be recorded in a seperate series.[16] Patents, decrees of courts of equity, official grants of lands are all to be recorded in the record of deeds.[17] All titles transferred from the United States to the State of Oregon are to be recorded in the county where the land lies and indexed accordingly.[18] All instruments creating special interests in realty (a license, easement, leasehold on oil, gas or other mineral interest) "may be indexed and recorded in the records of deeds of real property in the county where such real property is located.[19] Certificates of foreclosure. decrees of judgment, notice of lis pendens are all to be recorded in the book

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[12] ORS 205.180
[13] ORS 205.190
[14] ORS 93.610
[15] ORS 93.630
[16] ORS 93.670
[17] ORS 93.680
[18] ORS 93.690
[19] ORS 93.710

of mortgages.[20]

Survey of Relevant Chapters in the Oregon Revised Statutes

Chapter 86, MORTGAGES; TRUST DEEDS.

A deed of defeasance must be recorded with the recording officer of the county where the land lies, Every assignment of a mortgage by "an instrument in writing" must be "recorded in the records of mortgages of the county where the land is situated." A "certificate" evidencing the discharge of a mortgage "shall be recorded at full length" and entered in the "record book of mortgages." Letters testimentary, letters of administration, or of guardianship are also recorded in the mortgage records. Trust deeds must be recorded in the mortgage records. All notices of default, of sale, and affidavits are to be recorded and indexed in the mortgage records.[21]

Chapter 87, STATUTORY LIENS

All liens attaching to property are to be recorded "IN a book keept for that purpose, which records shall be indexed as deeds and other conveyances are required by law to be indexed." The claim for a lien must contain a statement of demand, the name of the owner, the name of the person by whom the claimant was employed or furnished materials, and a description of the property to be charged. All notices of completion are to be recorded and indexed in "special books to be kept ...for such purpose." Special types of liens are

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[20] ORS 93.720, 730, 740

[21] ORS 86.060, 100, 110, 130, 735, 745, 750, 780,785

recorded in the above manner: Mining labor and material liens, Land cultivation or construction liens, and federal tax liens. A special alphabetical index of federal tax liens is required to be kept.[22]

Chapter 91, UNIT OWNERSHIP

A declaration of unit ownership containing a thorough description of the land, the buildings and their use, the floor plans, and the names and interests of partners is to be recorded by the recorder of conveyances and then filed with the county assessor.[23]

Chapter 92, PLATS AND SUBDIVISIONS

All regulations and ordinances with a map of the area subject to regulation or ordinance must be filed with the recording officer. A surveyor's affidavit is necessary to complete the recording of a plat. When properly received all plats are to be bound in the "Record of Town Plats" and an exact copy made with black India ink or photocopy "shall be filed in the archives of the county, and preserved by filing without folding." All plats are to be kept in alphabetical order in the "Record of Town Plats" and indexed in the indices of the "Records of Deeds."[24]

Chapter 94, REGISTRATION OF TITLES: TORRENS LAW

The application for registration of title requires (1) the name

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[22] ORS 87.050, 035, 045, 150, 155, 270, 275, 805, 815

[23] ORS 91.530

[24] ORS 92.048, 070, 120

and place of residence of the applicant, or agent, (2) marital status, name of spouse, (3) description of land, (4) applicant's estate or interest in the land, whether the land is subject to an estate of homestead, (5) whether the land is occupied, if so name and post office address of each occupant, what estate or interest he has or claims, (6) whether the land is subject to lien or encumbrance, nature and amount with book and page of record if recorded; name and post office address of each holder, (7) whether any person has an estate or claims any interest in the land, in law or equity, in possession, remainder, reversion or expectancy, and if so, the name and post office address of every such person and the nature of his estate or claim, (8) names and addresses of all owners of adjoining lands that may be affected by boundary questions, (9) if male, is he 21; if female, is she 18, if minor, the age must be stated, if husband or wife, the other shall acknowledge assent to the registration, (10) if unable to get place of residence required of any items above, state that applicant has made a "diligent inquiry". A plat must accompany application if the land is not already in a recorded plat. Other documents in the application file may include a title examiner's report, an answer and cross-application, decree of court, certificate of title. The certificates are kept in a book, "register of titles," bound or recorded in order of numbers. Each certificate constitutes a seperate folio of the register. Applications to withdraw and certificates of withdrawal are to be filed in the "register of titles." The applications when filed with the clerk of

the court are docketed in a book, "Land Registration Docket." The recorder of conveyances is designated as the registrar of titles.[25]

> All instruments, notices, and papers required or permitted by this chapter to be filed in the office of the registrar shall be retained and kept in such office. They shall be numbered consecutively, and shall be listed in a book kept for that purpose, and described with description such as "warranty deed," "quit-claim deed," "mortgage."[26]

The registrar is also to keep tract indices, "in which shall be entered the lnds registered in the numerical order of townships, ranges, sections , and, in all cases of subdivisions, the blocks and lots therein; also, the names of the owners and a reference to the volume and folio of the register in which the lands are registered." The registrar must also keep an alphabetical index listing all registered owners and other persons interested in or holding charges upon registered land.[27]

Chapter 517, MINING AND MINING CLAIMS

Notice of location and affidavit of work on claim is to be filed with the recorder of conveyances. Notice of location must contain the following information: (1) name of lode or claim, (2) names of locators, (3) date of location, (4) number of linear feet claimed, (5) general course or strike of vein or lode, The recorder also must receive the affidavit of annual labor on a claim. The

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[25] ORS 94.025, 095, 125, 150, 230, 235, 055, 805

[26] ORS 94.830

[27] ORS 94.845, 850

recorder is required to keep a record book of certificates recorded and to index them in a special book for that purpose. Counteraffidavits and decrees are entitled to record in "miscellaneous records" and to be indexed in the record of deeds and mining conveyances.[28]

Chapter 539, WATER RIGHTS

The application for permit with maps and drawings for water rights is compiled in the office of the State Engineer. The water rights certificates issued by the State Engineer are required to be transferred to the county clerk who "shall record the same in a book especially prepared and kept for that purpose, and thereupon immiately transmit the certificates to the owners.[29]

Summary of Expected Record Series With Date of Origin in Law

Deed Books (1843)
Deed Index (1854)
Receiving Books (1901)
Land Claims (1843) (May be incorporated in Deed Books)
Leases (1887) (May be incorporated in Deed Books)
Map and Plat Books (1849)
Map and Plat Index (1887)
Married Women's Separate Property Rights (1861)
Mining Claims, affidavits (1903)
Mining Claims, location notice (1898)
Mining Claims, record (1864)
Mortgage Books (1843)
Mortgage Index (1854)
Power of Attorney (1843)
U.S. Liens (1923)
U.S. Patent Record
Water Rights Certificates & Record

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[28] ORS 517.030, 052, 210, 310, 320

[29] ORS 539.140

Torrens System Files:

Case files (1901)
Land Registration Docket (1901)
Index of papers (1901)
Register of Titles (1901)
Register of Title Index (by tract number) (1901)
Register of Title Index (by alphabetical listing of owner) (1901)

Plats (1901)

Miscellaneous record books

Affidavits, Articles of agreement, bills of sale, certified copies of death certificates, record of assignment.[30]

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[30] Additional sources for section 1:

Dorothy O. Johansen, "The Roll of Land Laws in the Settlement of Oregon." and "The Land Base of Oregon's Economy" in Genealogical Material in Oregon Donation Land Claims (Portland, Oregon: Genealogical Forum, 1957,1959), Vol. I and II unpaged introductions.

Oregon Administrative Rules, Ch.543, Records of the Recorder of Conveyances or of the County Clerk in His Capacity as Ex-Officio Recorder."

Oregon Historical Records Survey, Description of County Offices in Oregon and Check List of Their Records (Portland, Oregon: Historical Records Survey, July 1937).

Marriage and Divorce Records

Susan F. Sudduth
Archives
Mr. Duniway
Feb. 26, 1970

Purpose

The purpose of this report is to summarize the legal origins of marriage and divorce records in the State of Oregon. Marriage records, as found in the Archives of the Lane County Courthouse, have been analyzed according to their series. A series analysis of the divorce records of Lane County was not attempted.

Marriage

The Territory of Oregon, which included almost all of the entire Northwest, had a curious early history of marriage. From the time of the early explorers until the entrance of the first missionaries around 1838, it was common for white men to marry Indian squaws and create a family of half-breeds. Some of these explorers took the Indian vows of marriage; others married without either the Indian vows or benefit of clergy. The first actual recorded marriage occured in 1838.

The Council of the Territory introduced a Bill of marriage in 1849, but it was not until Oregon became a state that the foundation for the future law was made. The Oregon legislature in 1862 declared marriage to be a civil contract which might be entered into by males of the age of eighteen years and females of the age of fifteen years, with the following exceptions: wife or husband living; nearer of kin than first cousins, whole or half-blood; when either white or Negro or one quarter Negro blood or Mongolian; when either party incapable of consenting.[1]

There are regulations in the law regarding the right of clerical or official persons to solemnize the marriage[2] and the status of the marriage as a civil contract[3]. The person solemnizing the marriage gave a certificate to each of the parties, specifying their names and residences. Also required were the signatures of at least two witnesses, the time and place of the marriage, the date of the license, and by whom it was issued.[4] The solemnizer of the marriage had to make and deliver

a certificate (containing the particulars mentioned above) to the county clerk of the county where the marriage took place.[5] In turn, the county clerk filed the certificate and recorded it in the record of marriages.[6]

Before persons were joined in marriage, they had to produce a license from the county clerk of the county in which the female resided. The license was directed to any person or religious organization authorized to solemnize marriages.[7]

Under the provisions of the law of 1862, the county clerk could not issue a marriage license until the applicants had filed an affidavit made by a third party, containing the facts necessary for the license to be issued.[8]

The solemnizer of the marriage was authorized to retain the marriage license. But the county clerk, before delivering the license, entered into the Marriage Book a memorandum of the names of the parties, the consent of the parents or guardians, and the name of the affidant.[9]

In 1905 a centralization of recording was effected by the requirement that county clerks make a monthly report to the State Board of Health of the number of marriage licenses issued within the county during the preceeding month. These reports were filed, compiled, and registered by the Secretary of the State Board of Health and became public records.[10]

In 1913, the legislature passed a law which required a certificate from an examining physician. "Before any county clerk shall issue a license, the applicant shall file with the clerk a certificate from a physician duly authorized to practice medicine within the State, made under oath, within ten days

from the date of filing same showing that the male person is free from contagious or infectuous venereal disease."[11]

In 1937, the female party to the contract of marriage was included in the above provision. The legislature also enlarged the scope of the law, making it more comprehensive and rigid than the original law of 1913.

Today, before the county clerk can issue a marriage license, each applicant must file a medical certificate signed by a physician licensed by the State Board of Medical Examiners. This certificate proves that the applicant has had a physical examination and lab test and that, in the opinion of the physician, the applicant is not infected with communicable venereal disease, syphilis, feeblemindedness, mental illness, drug addiction, or chronic alcoholism.[12]

The Confidential Record of Premarital Exam, which is distributed by the county clerk, consists of the applicants sworn medical history, a laboratory report indicating the results of the blood tests and the physicians report of the applicants medical and physical examination. The Confidential Record is filed by the physician with the State Board of Eugenics within three days after the completing of the form. It is not open to public inspection.[13]

In case the blood test for syphilis is certified as positive or doubtful, but in the opinion of the physician the applicant does not have the disease in a communicable stage, the physican may secure the approval of a state or local health officer by countersigning the Confidential Record of Premarital Exam.[14]

In case a physician finds evidence of venereal disease

he should refuse to issue the medical certificate for a marriage license. The exception is when another physician certifies that the reason for refusal has been removed through adequate treatment.[15]

When the county clerk has received the written applications and medical certificates for a marriage license from both applicants, he shall issue the license. It is valid for a period of not more than thirty days from the earliest date of either applicants medical certificate.[16]

The records created by the marriage law of 1862 and subsequent legislative action are the marriage application, the marriage affidavit, the marriage certificate, the marriage return, and the marriage license. The marriage affidavit and certificate are commonly recorded together into the Marriage Record Book. The marriage applications form a separate series, as do the marriage returns. The marriage license is the property of the person authorized to solemnize the marriage. The information certified in the marriage license is reported to the county clerk within thirty days; this information constitutes the Marriage Record Book.

The Archives section of the Lane County Courthouse acts as a depository for the marriage records of Lane County. Marriage applications have been retained in Lane County since 1933. In 1953, the form changed in color from white to coral.

The Marriage Record Book has been in existence in Lane County since 1852, when Oregon was still a territory. One volume was kept for the years 1852 to 1860. Since that time, 160 volumes have recorded the marriage affidavits and certif-

icates of the county. From 1860 to 1962, the records were located in cloth bound volumes. After 1962, the format changed; the volumes turned into loose-leaf binders. Two pages constituted the total Marriage Record - one page recorded the affidavit for the marriage license, the other page recorded the marriage certificate. Corresponding with the new format in 1962 was the emergence of the Marriage Record Book on microfilm. The Marriage Record Book Index indexes the records from 1853 until the present. The index is an alphabetical list of the husbands surname with a reference (as to page, month, day, year) to the appropriate Marriage Record Book volume or binder.

The basic form of the marriage affidavit and certificate has changed little in the hundred years since the record has been in existence in Oregon. The most significant addition occured in 1913 with the inclusion of the physicians certificate on the affidavit.

Copies of marriage certificates are also retained in the Archives. These are duplicates of the original marriage certificates. From 1921 until 1933, the medical certificates for both husband and wife were attached to the duplicate marriage certificate. After 1933 however this practice was dropped and the certificates resumed their nature of 1900. The certificates are now recorded on microfilm, located in the Records Center of the Courthouse.

Returns of the marriage have been kept in the Archives since 1913 when law required the county clerk to report to the State Board of Health the number of marriage licenses

issued within the county during the preceeding month. This practice of keeping a carbon copy duplicate of the return was continued until 1953.

Footnotes for Marriage

1 Oregon. Laws, Statutes. Organic and other general laws of Oregon...1845-1864. Compiled and annotated by M.P. Deady. Portland, H.L. Pittlock, State Printer, 1866, Chapter 31, Section 1

2 Ibid., Section 2

3 Ibid., Section 3

4 Ibid., Section 6

5 Ibid., Section 7

6 Ibid., Section 8

7 Ibid., Section 12

8 Ibid., Section 14

9 Ibid., Section 15

10 Lord's Oregon Laws, including sessions of 1909. Compiled and annotated by Hon. William P. Lord and Richard W. Montague... 3 vol. Salem, W.S. Duniway, State Printer, 1910, Chapter 170

11 Ibid., c. 187, Sec. 1

12 Oregon Revised Statutes, including replacement parts, containing the statute laws of Oregon of a general, public, and permanent nature in effect Jan., 1953. 1965-1966, Chapter 106.071

13 Idem.

14 Idem.

15 Idem.

16 Idem.

Divorce

The Ecclesiastical Court in England exercised jurisdiction in divorce, but such proceedings were not known in the common law. Relief was by an Act of Parliament. This same procedure was carried over to the New World. The early sessions of the legislature of the Oregon Territory granted divorce through legislative acts.[1]

A Bill concerning divorce was introduced into the Council of the Oregon Territory in 1849. An early house bill recorded in the Journal of the Council denied Samuel Staggs the right to divorce his wife Mary.[2]

The Territory Laws stipulated that when a marriage was supposed to be void or the validity of it was in dispute, either party could file a complaint in the District Court of the county where the parties resided.[3] The law further stipulated that divorce could be obtained by complaint, under oath, to the District Court of the county in which the "cause" occured. The causes for the dissolution of the marriage included:

1. Impotency, existing at time of marriage
2. Adultery
3. Conviction of a felony
4. Habitual drunkeness, continuing for two years prior to suit
5. Wilful disertion for three years
6. Cruel and inhumane treatment or personal indignities
7. Voluntary neglect of the husband to provide the wife with a home and the common necessaries of life for one year [4]

The State of Oregon passed its first legislation regarding divorce in 1862. This act provided six grounds or causes for divorce. Number seven of the Territorial Law was

dropped; it was replaced in 1929 by an amendment declaring permanent insanity to be the seventh cause.[5] In 1949 this too was amended to read permanent mental illness, where the defendant is judged mentally ill by the court. The illness must be continuous for three years, the person having been committed to a public or private institution.[6]

Central reporting of divorces was instituted in 1924.[7] Not later than the tenth day of each month, the county clerk must submit the number of marriage contracts dissolved during the preceeding month. Blanks are furnished by the Secretary of the State Board of Health. These become permanent public records.

The State is considered a party defendant. "In any suit for the dissolution of the marriage contract, the state is to be deemed a defendant."[8] The plaintiff serves a summons upon the District Attorney at least ten days before the time at which the defendant is required to appear.[9]

Whenever a marriage is declared void, the court has the power to make decrees. These are a legal substitute for the common law obligation of the husband to support his wife and children.[10] The decrees include:

1. The future care and custody of minor children
2. The recovery from the party not allowed the care and custody of the children, an amount of money proper for the party to contribute toward the nurture and education of the children
3. The maintenance of minor children by ordering the party at fault to contribute a certain amount of money for the wellbeing of the children
4. The delivery of one party of such parties personal property in the possession or control of the other at the time of the decree[11]

In determining custody of minor children, the court considers the best interests of the child and the past conduct

of both parties. No preference in custody is given to the mother over the father for the sole reason that she is the mother.[12]

Reports of divorces granted show: number and date of report, volume and page where the decree was recorded, name of county where the decree was granted, date of final decree, date recorded, name and address of husband, maiden name and address of wife, date and place of marriage, grounds for divorce, whether alimony was asked and granted, number of minor children affected by decree and whether support money was asked and granted.

The Oregon Territory operated under a district court from 1849 to 1859. Under the State Constitution, circuit courts and judicial districts were established. Thus divorce decrees are located in the circuit court cases and papers.

No attempt was made to inventory the divorce records at the Lane County Courthouse. In 1942 under the sponsorship of the Federal Works Agency, Works Progress Administration, the Lane County divorce records were surveyed. Divorce decrees were located in the Circuit Journal, arranged chronologically by the date of the case. They were indexed alphabetically by surname. Divorce papers were in the circuit court cases and had no index.

Footnotes for Divorce

1 Oregon Law Review, vol. 1, p. 94

2 Oregon (Territory). Laws, statutes. The statutes of Oregon enacted and continued, vol. 1, 1843-1849

3 Oregon (Territory). Laws, statutes. The Statutes of Oregon enacted and continued, vol. V, 1854-1855, Sec. 4

4 Ibid., Sec. 5

5 Oregon Code, containing general laws of Oregon, annotated with decisions from Supreme Court...compiled under supervision of Supreme Court of Oregon, 1930-1935, chpt. 413, p. 578.

6 Oregon Revised Statutes, including replacement parts, containing the statutes laws of Oregon of a general, public, and permanent nature in effect Jan., 1953, Section 107.030, no. 7

7 Lord's Oregon Laws, compiled and annotated by Hon. William Lord, 1925, chpt 229, p. 415

8 Oregon Revised Statutes, op. cit., Section 107.040, no. 1

9 Idem.

10 Oregon Revised Statutes, Legislative History, Revisor's Notes and annotations, 1953

Appendix

Following are examples of marriage and divorce record series.

Order:

Application for marriage license-1933 application, current application, copy of U.S. standard marriage application

Affidavits for marriage license-1865 handwritten affidavit with marriage certificate, 1913 printed affidavit with physicians health certificate notation, current form

Marriage certificate-1859 handwritten Territorial marriage certificate, 1913 medical certificate for marriage, current marriage certificate form, copy of marriage certificate retained by person solemnizing marriage, copy of U.S. standard marriage certificate

Return of marriage-1913 return of marriage, 1953 return of marriage

Marriage license- current form of license

Divorce certificate-U.S. standard certificate of absolute divorce or annulment- 1956, 1968

Brief History and Inventory of Selected Records of the Building and Safety Division, Department of Public Works, City of Eugene, Oregon

John Webb
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Lib 507

Brief History and Inventory of Selected Records
of the Building and Safety Division,
Department of Public Works, City of
Eugene, Oregon

The office of the building inspector of the city of Eugene, Oregon was created on March 30, 1908, and the history and development of its duties since that time have been varied, complex, and even somewhat confusing.[1] As part of that history and development public records of all sorts have been required and generated in fulfillment of the duties of the office. This paper will attempt to trace the history, the development, and the current practices in the generation and keeping of some of these records. Just a portion of the many records of this office will be discussed in detail herein. Time constraints necessitated this selectivity, and therefore this paper is in no way a comprehensive survey of the building office records. A brief outline of some of the important records not covered in detail will be included below.

The records selected for detailed study and inventory were the records of building contruction per se (including alteration and demolition). Included were the building permit and the application therefor, the certificate of occupancy, the plans, the correspondence, and the inter-office master records and finding aids. These records were chosen because they seemed most central to the functions of the building inspector's office.

The authority for a city to regulate buildings and building construction seems to be grounded in the police powers granted by the state to its cities; and the cities may pass ordinances for the purpose of carrying out these police powers.[2] A later provisions states that, within certain specified limitations, "a city may take all action necessary or convenient for the government of its local offices."[3]

The development of the functions of the office of the building inspector antedates these statutes, however. The city charter empowered the city to prohibit or remove nuisances, including conditions conducive to fire.[4] One of the early ordinances prohibited the repair or alteration of any wooden building within the fire limits without a permit from the Chief Engineer and approval of the Committee on Fire and Water.[5] At least two other ordinances also regulated the construction or alteration of buildings within the fire limits, requiring a permit from the Chief Fire Warden and the Committee on Fire and Water.[6] Thus the threat of fire was a major factor in developing some of the functions to be assumed later by a city building inspector.

Other threads were also being woven into the fabric which was to become the city building office. An 1889 ordinance prohibited the moving of a building through the streets without a permit from the mayor.[7] In 1892, the office of superintendent of sewers was created, and a permit to connect with the public sewer was required.[8] A permit to maintain an electric or gas sign became mandantory in 1900.[9]

Ordinance No. 725 established the office of the building inspector for the city of Eugene in 1908, and it required that

a permit be obtained from the building inspector prior to the construction or alteration of a building within the city. It furthermore established a graduated fee scale.[10] Shortly thereafter, a new ordinance recreated the office and broadened the duties of the building inspector. He was placed in charge of the moving of buildings within the fire limits, and was required to inspect the sewer and electrical work in all new constructions. He was also empowered to examine older buildings to determine if they met minimum standards, and to enforce these standards.[11]

The following year, the office of city electrician was created, and his duties were to inspect and issue permits for the installation of new electrical wiring in any building in the city. A regional Electric Code was adopted, and a fee schedule established.[12] A plumbing ordinance was adopted a year later, and the office of plumbing inspector was created. His duties followed the usual pattern of enforcing the ordinance and issuing permits for new work.[13] The sign ordinance of 1911 continued this march away from centralized control of building functions by requiring that permits for certain types of signs be obtained from the Fire and Water Committee.[14]

In 1913, the city adopted the National Electrical Code, and, in a complete turnabout, assigned the enforcement of this code to the City Engineer. Supervision of the construction of electrical signs was made part of his duties.[15] Ordinance No. 1382 declared that minor repairs or alterations to buildings in the fire limits must be approved by the Fire and Water Committee before the building inspector could issue a permit for such.[16] And on the same day the building inspector was made responsible

for the enforcement of the electrical code. Henceforth, all electrical work of any significance could be performed only after obtaining a permit from the building inspector. This included the construction of electrical signs.[17]

Finally, on May 11, 1914, the prototype of the present building division of the city of Eugene was established. The office of the Inspector of Buildings was reestablished, and the inspector was empowered to issue all building permits, plumbing permits, and electrical permits as required by the city ordinances. He was given "supervision and control of all buildings, electrical wiring, and plumbing within the City of Eugene, where such supervision is required by Ordinance, and shall perform such other duties as may be prescribed by the Common Council and confirmed by the Mayor." The plumbing ordinance included control over connections with the public sewer system.[18] Two additional ordinances further established the control of the building inspector over sewer connections.[19]

A sign code was passed in 1915, and its administration became another function of the building inspector.[20] Later that year his duties were further extended to include the general supervision and control of the City Hall property,[21] and in 1934, the building inspector was made the administrative officer of the zoning ordinance.[22] In Ordinance No. 8575 (for some reason or other) the office of inspector of buildings was again recreated.[23]

The above sketch of the development of the building inspector's office is intended as only a preliminary outline of the evolution of some of the important function's of that office. This preliminary and highly tentative, description will be concluded by a short

discussion of the adoption of the building codes.

A 1931 state statute provides that cities may adopt "ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, electric wiring or other similar work, where such rules and regulations have been printed as a code in book form" and that they "may adopt such code or portions therefore by reference thereto without further publication or posting thereof."[24] This statute is the city's authority for adopting the published Uniform Building Code, and since 1938, Eugene has taken advantage of this provision. In that year it adopted the Pacific Coast Building Officials Conference Uniform Building Code, 1937 edition. The 1943, the 1946, the 1949, the 1952, and the 1955 editions of that code were also enacted in succession.[25] Since 1958, the city has adopted the successive editions of the International Conference of Building Officials Uniform Building Code (the 1958, the 1964, and the current 1967 editions).[26]

If nothing else, the preceding exposition of the development of the building office should have hinted at the variety of records which this office might be expected to maintain, and in practice this is so. As indicated above, therefore, only selected records have been inventoried. What follows is a short description of some important parts of the current Eugene City Code pertinent to the office of the building inspector, but which records were not included in this study (except, of course, as they occur in general record series such as the correspondence files and the record card files). All references are to the current published city Code, The Code of the City of Eugene, Oregon 1955 (including amendments to July 11, 1966) and to ordinances passed

since the latter date updating the Code.

Chapter 3, Article II -- the Sign Code -- pertains to an important function of the Division, and this Code has been updated by Ord. No. 15425 (September 13, 1968). No sign may be maintained, constructed, or altered without a permit, and for some kinds of signs an annual permit is required. Several series of records are generated under this Code.

Chapter 11, Article V -- the Masonry Contractor's Code -- generates not only work permit records, but also licensing records. Chapter 18 -- the Electrical Code -- is, of course, and has been an important responsibility of the office of the building inspector. Likewise, Chapter 34 -- The Plumbing Code -- updated by Ord. No. 15078 (February 6, 1968), is a central function of the office. And there are other chapters which pertain to this office in one way or another (e.g., Chapter 36 -- Radio and Television). Because of the laborious research procedure required to trace the history of records specified by these Codes, they could not be included in this study even though they often occur in conjunction with, on the same forms as, or even as part of records which were studied. This is a serious omission which limits somewhat the value of this report. However, because of time constraints, the p[illegible]termission was unavoidable. Where information connected with these ordinances is part of a record series surveyed, this will be indicated in the inventories in Appendix A.

Another important type of record excluded in the inventory were the reports required by many of the ordinances. The building inspector issues periodic reports on all the various functions of his office, and these are one of the permanent records of that

division. Unfortunately, time limitations precluded the inventoring of these necessary records, also.

Building permits were required long before the building inspector's office was established. Ordinance No. 30, previouly discussed, required that the permit "specify fully the repairs or change required" in altering a building in the fire zone, and, generally speaking, this type of information is recorded on the permit yet today. The ordinance establishing the office of the building inspector (Ord. No. 725) made the issuing of permits his main function, and today this remains central to the duties of the building inspector. The present Eugene Building Code requires that no one "shall erect, construct, move, enlarge, alter, remove or demolish or change the occupancy of any building or structure in the City" without first obtaining a separate building permit for each structure.[27] Samples of the permit form (and forms mentioned hereafter) are included in Appendix C.

Likewise, before a permit may be issued, an application for the same must be filed, and this too was required by Ordinance No. 30 and by Ordinance No. 725. The present Building Code specifies that every application shall:

1. Identify and describe the work to be covered by the permit...;
2. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
3. Show the use or occupancy of all parts of the building;
4. Be accompanied by plans and specifications...;
5. State the valuation of the proposed work;
6. Be signed by the permittee, or his authorized agent...;
7. Give such other information as reasonably may be required by the Buildilng Official.[28]

A third record related to these is the certificate of occupancy. This was first required by Ordinance No. 8603 (May 23, 1939), and the present Code states, in substantially the same language, that "no building or structure shall be used or occupied and no change in the existing occupancy class of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein." It must contain:

1. The Building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this Code for the group of occupancy in which the proposed occupancy is classified.
6. The name of the Building Official.[29]

The original building office ordinance (Ord. No. 725) required that each applicant for a building permit should "present to the building inspector... a plan or other sufficient description in writing, showing the proposed building or part thereof, or repairs, and the location thereof..." The Building Code today requires that two sets of plans and specifications, be submitted, and that one set of "approved plans, specifications, and computatiions" be retained by the building office for not less then ninety days after the completion of the work (the date the certificate of occupancy is issued). The first sheet of each set must give the address of the work, the names and addresses of the owner and of the person who prepared the plans. The plans must also contain "a plot plan showing the location of the proposed building and of every existing building on the property.[30] This last was

seemingly first required in the original zoning ordinance.[31]

As early as the first building office, the office of the building inspector has collected fees for its services. These fees vary with the value and kind of work being performed, and at present, the building office must keep "accurate account of all fees and other monies collected and received under this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate."[32]

The moving of a building would seem to require the same kinds of records specified for any building construction or alteration insofar as the moving applies to the placing of the building at its new location. Thus, the standard application and plans must be submitted, the fee paid, and the permit obtained. Building demolition would also follow the pattern, excluding the requirement for plans.[33]

All of the above records and record keeping practices required by the current Code have remained unchanged since the 1958 edition of the Uniform Building Code.[34] Since only one series has items that antedate 1958, neither the form nor the content of these records were affected by changes in the ordinances.

Probably the most important record of the Building and Safety Division is an ad hoc record which the department developed early for its own internal uses and which has evolved into its primary record. This building department index card is mentioned in the city ordinances only in the city records retention schedule.[35]

The correspondence files contain, among other things,

records such as written warnings and notices required by certain provisions of the Building Code.[36]

The brief history of the development of the office of the building inspector was intended to provide some introduction to how and when the department acquired some of its major functions, and to provide a background for the discussion of the records. The above summary of the legislative history of the selected major records is merely an introduction to the inventories of the record series which follow in Appendix A. This inventory is selective rather then comprehensive due to time limitations.

Appendix B contains the Check Sheets for some record series. These are fairly self-explanatory. If a number is circled, this means that information described by that item is contained in that particular record series for the dates shown in the right-hand column. Approximate dates (sampled from a large series, e.g.) will be preceded by the abbreviation for circa -- "c."

Appendix C contains the sample forms. Their dates of usage will be indicated.

Footnotes

[1]Eugene City Ordinance Number 725, Section 2, March 30, 1908. (References to city ordinances in subsequents footnotes and in the body of the paper will take the form: Ord. No. 725, Sec. 2, March 30, 1908.)

[2]Oregon Revised Statutes, 221.916 and 221.926. These provisions are based on an 1893 law. (Oregon Laws, 1893, pp. 119-133.)

[3]Oregon Rivised Statutes, 221.410. (Oregon Laws, 1941, Chap. 453, sec. 5, par. 1).

[4]Sec. 7, Amended City Charter, October 22, 1864.

[5]Ord. No. 30, Sec 1, July 9, 1883.

[6]Ord. No. 274, October 12, 1896; Ord. No. 386, October 15, 1901. Research in the old city ordinances is hampered by two major difficulties: many of the original copies of the oldest ordinances are missing from the files; and the recorded books of the old ordinances seem to be used so frequently that they are rarely available. Research in the old ordinances is also hampered by the fact that there is no good index to their contents, nor is there consistent cross-referencing among the related ordinances. Trial and error, intuition, and luck are all necessary for working in there old laws. In this study, some key ordinances have undoubtedly been missed.

[7]Ord. No. 95, Sec. 6, November 19, 1889.

[8]Ord. No. 203, Secs. 6 and 8, June 13, 1892 .

[9]Ord. No. 346, October 9, 1900.

[10]Sec. 1, 2, and 3, March 30, 1908.

[11]Ord. No. 735, Sec. 2, May 5, 1908.

[12]Ord. No. 884, Sec. 1, 2, 3, 4, June 23, 1909.

[13]Ord. No. 985, Sec. 3, 41, April 7, 1910.

[14]Ord. No. 1139, Sec. 1, October 10, 1911.

[15]Ord. No. 1288, Sec. 1, 2, 3, 10, March 12, 1913. The reasons behind these various moves by the city council are unknown. The minutes of the council meetings were not consulted (because of lack of time), nor were the old issues of local

newspapers examined. These sources probably explain why some of the ordinances were necessary.

[16]Sec. 1, August 12, 1913.

[17]Ord. No. 1383, Sec. 1, 2, 3, 10, August 12, 1913.

[18]Ord. No. 1521, Sec. 1, 2, May 11, 1914; Ord. No. 1522, May 11, 1914; Ord. No. 1523, May 11, 1914.

[19]Ord. No. 1540, Sec. 1, June 2, 1914; Ord. No. 1697, Sec. 4, March 5, 1915.

[20]Ord. No. 1717, Sec. 3, May 11, 1915.

[21]Ord. No. 1810, Sec. 1, November 9, 1915.

[22]Ord. No. 8413, Sec. 17, April 9, 1934.

[23]Sec. 1, December 13, 1938.

[24]Oregon Revised Statutes, 221.330.

[25]Ord. No. 8580, December 13, 1938; Ord. No. 8815, March 13, 1945; Ord. No. 8930, August 13, 1946; Ord. No. 9509, February 28, 1950; Ord. No. 10106, September 23, 1952; Ord. No. 11011, March 26, 1957.

[26]Ord. No. 11333, July 29, 1958; Ord. No. 13787, February 25, 1965; Ord. No. 15043, December 12, 1967.

[27]International Conference of Building Officials. Uniform Building Code, Vol. 1, 1967, Sec. 301 (a), as amended by Ord. No. 15043, Sec. 2.3, December 12, 1967.

[28]Uniform Building Code, 1967, Sec. 301 (b).

[29]Uniform Building Code, 1967, Sec. 301 (a), as amended by Ord. No. 15043, Sec. 2.7, December 12, 1967; Uniform Building Code 1967, Sec. 306 (c).

[30]Uniform Building Code, 1967, Sec. 301 (c), as amended by Ord. No. 15043, Sec. 2.4, December 12, 1967; Uniform Building Code, 1967, Sec. 302 (b); Ibid., Sec. 301 (d).

[31]Ord. No. 8413, Sec. 14, April 9, 1934.

[32]Ord. No. 725, Sec. 3, March 30, 1908; Uniform Building Code, 1967, Sec. 202 (c). These receipt books are used to fulfill other purposes besides this one for which they were created. If I understand correctly, one of these receipts may now serve as the electrical or plumbing permit for new work. For example, when application is made for an electrical permit, the permit number is assigned by searching back through the receipt book to find the last electrical permit, and the next highest number is then assigned the new permit. When the job is finished, the receipt plus the entry made on the master Building Permit File Card are the permanent record of the job. For moving a building, the same procedure is followed, I think, except for that part of the move which involves placing the building at its new location. This will be covered next.

[33]The Code of the City of Eugene, Oregon 1955, including amendments to July 11, 1966, Sec. 11.16-1; Sec. 11.16-2; Sec. 39.93; Sec. 39.94; Sec. 39.96; Sec. 39.97; Sec. 11.67.

[34]International Conference of Building Officials, Uniform Building Code, 1958, Ord. No. 11333, July 29, 1958; International Conference of Building Officials, Uniform Building Code, 1964, (Ord. No. 13787, February 25, 1965.)

[35]The Code of the City of Eugene, Oregon 1955, including amendments to July 11, 1966, Sec. 2.96 (a), (Ord. No. 12651, Sec. 1, May 15, 1962).

[36]E.g., Uniform Building Code, 1967, Sec. 202 (e); Sec. 203 (b); Sec. 302 (e).